



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1995

Mr. Richard D. Monroe
Deputy General Counsel for Operations
Texas Department of Transportation
Dewitt C. Greer State Highway Building
125 E. 11th Street
Austin, Texas 78701-2483

OR95-1264

Dear Mr. Monroe:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 32477.

The Texas Department of Transportation (the "department") received a request for "all information available under the Open Records Act . . . relating to National Coatings of Texas . . . of Lubbock, Texas and/or its principals." The requestor also seeks "any information that is available concerning Disadvantaged Business Enterprises and specific laws and/or statutes concerning State contract awards to such entities." You claim that the requested information is excepted from disclosure under section 552.110 of the Government Code. You have submitted representative samples of the requested documents.

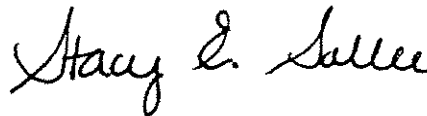
We previously notified you we were reconsidering our ruling in Open Records Decision No. 592 (1991) in RQ-739. In Open Records Letter No. 95-1214 (1995), we have declined to overrule that decision. A copy of Open Records Letter No. 95-1214 (1995) is enclosed for your information. Therefore, we will now consider your argument that section 552.110 excepts the requested information from disclosure.

Section 552.110 is divided into two parts: (1) trade secrets and (2) commercial or financial information. To fall within the second part of section 552.110, the information must be made confidential by a statute or judicial decision. Open Records Decision

No. 592 (1991) at 6. Federal tax return information, including taxpayer identification numbers, are confidential under federal law. 26 U.S.C. § 6103(a). Therefore, the department must withhold federal tax return information. However, you have not demonstrated and we are not aware of any other statute or judicial decision that would make the remainder of the requested information confidential. Consequently, other than the federal tax return information, the department may not withhold the requested information under the second part of section 552.110.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/rho

Ref.: ID# 32477

Enclosures: Open Records Letter No. 95-1214 (1995)
Submitted documents

cc: Mr. Blake Irwin
Chief Executive Officer
The Lofland Company
P.O. Box 35446
Dallas, Texas 75235
(w/enclosure - Open Records Letter No. 95-1214 (1995))